



RE^{Remediation and Redevelopment Program}NEWS

RELEASE • RESTORE • REDEVELOP

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FEATURE

Governor Signs Brownfields, Dry-Cleaner Bills

On Earth Day, April 22, Governor Jim Doyle signed several natural resource bills into law, including three that have a direct impact on the Remediation and Redevelopment (RR) Program.

The governor signed the legislation during a ceremony at the Nevin Fish Hatchery in Fitchburg, located just south of Madison. The bills signed by the governor included:

- Senate Bill 324 (2003 Wisconsin Act 312), which makes improvements to the Dry Cleaner Environmental Response Fund (DERF) Program by promoting more cost-effective remedy selections and higher compliance rates for dry-cleaning facilities; the bill's authors are Senator Neal Kedzie (R-11th District) and Representative DuWayne Johnsrud (R-96th);



Governor Jim Doyle signs into law several Remediation and Redevelopment bills during an Earth Day ceremony in Fitchburg (photo by George Mickelson, DNR).

- Senate Bill 471 (2003 Wisconsin Act 314), authored by Senator Mary Panzer (R-20th) and Representative Johnsrud, which gives the go-ahead for the DNR to be the recipient of additional federal brownfields funding; these funds were made available through congressional brownfields legislation signed into law in 2001; and

GOVERNOR SIGNS BROWNFIELDS, DRY-CLEANER BILLS (CON'T.)

- Senate Bill 472 (2003 Wisconsin Act 315), authored by Senator Carol Roessler (R-18th) and Representative Johnsrud, which also promotes the redevelopment of brownfields by making private insurance coverage available to property owners and local governments that participate in environmental clean up.

The new DERF provisions will also streamline licensing and clarify eligibility for past operators of dry cleaners, but the most important change involves establishing a new deadline of August 30, 2008, for entry to the program. The new deadline is for discovering contamination and notifying the DNR of participation in the program. For more information on these and other updates to the DERF program, please see page 8.

The legislation okaying federal brownfields funds is part of the Wisconsin Brownfields Coalition's "Ready For Reuse Initiative." The coalition, which includes the DNR, Commerce, Department of Administration and nine Wisconsin regional planning commissions, applied for more than \$4 million in additional funds from the U.S. Environmental Protection Agency (EPA). These funds can be administered by state agencies through grants and low-interest loan programs. The coalition expects EPA to announce fund recipients some time in late May or early June (for more information, please see "Wisconsin's 'Ready for Reuse' Initiative," page 10, *Re News* December, 2003).

The final piece of legislation is based on recommendations from the Brownfields Study Group, a task force created in 1998 by the State Legislature to help enhance and expand state brownfields initiatives. The legislation gives the state authority to contract with an insurance provider to set up an optional insurance program for environmental cleanups. This is a different program than one that already exists, which provides insurance for certain types of sites in the Voluntary Party Liability Exemption (VPLE) process.

This new program will provide private environmental insurance coverage – at cost-effective rates with standard protections – for property owners and local governments. Department staff have already begun working with the Department of Administration's (DOA) Risk Management program and the state's insurance broker to develop the program. For more information, including the proposed design of the insurance program, please click on the following link for the Brownfields Study Group; the insurance information is under "2004 Study Group," at: <http://dnr.wi.gov/org/aw/rr/rbrownfields/bsg/index.htm>.

New Grants Help Clean Up Brownfields For Public Use



The DNR has awarded the long-awaited Green Space and Public Facilities Grants to ten communities for 11 local projects. The grants, totaling \$1 million, will help clean up contaminated properties for public uses, one of the first programs of this kind in the nation. The grants are aimed at helping communities add green spaces and public buildings to urban areas through brownfield cleanups and redevelopments.

"These brownfield grants are one of the many ways that DNR works cooperatively with local governments on development issues, as part of my 'Grow Wisconsin' strategy," said Governor Jim Doyle. "Wisconsin's nationally recognized brownfields initiative continues to demonstrate that good environmental stewardship can be compatible with growing Wisconsin's economy."

"Turning urban brownfields into parks, libraries and soccer fields is as critical to growing Wisconsin's economy as other factors," added Secretary Hassett. Hassett noted that, in addition to removing blighted buildings and contamination, the grants will result in neighborhood improvements that will attract new homeowners and businesses. National studies have shown that the closer residential housing is to open spaces or parks, the higher the property values.

The projects listed on page 3 will lead to the reuse of nearly 200 acres of property. Grant recipients have already performed environmental assessments for each project, and will now apply their grants toward developing control and cleanup measures for soil and groundwater contamination.

- **Delavan: Ann Street Railroad Corridor Redevelopment, \$200,000** – Delavan is redeveloping the former Borg Manufacturing Property into green space and a storm-water retention area, which will be part of the overall redevelopment of the Ann Street corridor.
- **Milwaukee: Menomonee River Valley West End Redevelopment, \$200,000** – The Redevelopment Authority of the City of Milwaukee is developing a former Milwaukee Road workshop into an innovative storm-water treatment park, community ball fields, part of the Hank Aaron State Trail and public access to the Menomonee River.
- **Oshkosh: Riverside Park, \$200,000** – Oshkosh is expanding Riverside Park with a new amphitheater and developing a river-walk and convention center on the site of several brownfields, including one that contained a coal gas production plant.
- **Milwaukee: Garden Park, \$125,000** – The Redevelopment Authority of the City of Milwaukee is improving a neighborhood park, garden and farmers market at the location of the blighted, tax delinquent turn-of-the-century Pulaski Building. This is a partnership project for the city, the neighborhood association and Milwaukee Urban Gardens.
- **Kenosha: Bain Elementary School & Kenosha School of Language, \$84,585** – Kenosha and the Kenosha Unified School District are turning a former twelve-acre railroad and automotive storage yard into a new school and sports field that will replace two dilapidated and overcrowded schools.
- **Madison: Isthmus Park, \$87,745** – Madison is cleaning up a 3-acre parcel contaminated with petroleum and heavy metals. This property will become part of the new Isthmus Park, included in 25 acres of park-land planned for the 172-acre East Rail Corridor area. This area will also eventually contain community gardens, a cultural center and an outdoor amphitheater.
- **Fond du Lac: Park and Trail, \$50,000** – Fond du Lac is turning the former Quick Freeze site into a small park with a trail along the Fond du Lac River. A portion to the east will be privately developed for multifamily housing or other uses.
- **Town of Geneva: Township Park, \$25,449** – Geneva is cleaning up two former gas stations to create the town's first park, at the entrance to the Lake Como subdivision.
- **West Allis: West Allis Athletic Fields, \$18,221** – West Allis is developing soccer fields and a parking area on a former city landfill. The green space grant will help the city add clean soil and reconfigure the surface for athletic fields in compliance with state requirements for closed landfills.
- **Eau Claire: Phoenix Park, \$5,000** – Eau Claire is developing a new farmers market at the site of a former foundry and battery salvage yard. This is part of a larger redevelopment project with offices, a trail, play areas, and parking.
- **Waukesha: Hoover Park Recreational Area, \$4,000** – Waukesha is developing a picnic area, playground, restrooms and parking for new soccer fields on four blighted commercial properties on the edge of the West Avenue landfill.

The State Legislature approved funding for the Green Space and Public Facilities Grant Program after the Brownfields Study Group, a state-wide advisory task force, recommended creation of the program in their 2000

Report. More information about Green Space and Public Facilities grants is available on the web at http://www.dnr.state.wi.us/org/aw/rr/rbrownfields/greenspace_grant.htm. Also, to read about Governor Doyle's most recent Green Space Grant announcement for the Milwaukee brownfields projects, please click on the following link: http://www.wisgov.state.wi.us/pressreleases_detail.asp?prid=557.



Governor Jim Doyle presents a DNR Green Space and Public Facilities grant to the city of Milwaukee. Left to right: DNR Southeast Region Director Gloria McCutcheon, Governor Doyle, Milwaukee Alderman Michael Murphy and Milwaukee Mayor Tom Barrett (photo by Melissa Cook, DNR).

Manufactured Gas Plant Sites – Helping Clean Up The Past



Workers demolish a building on the former manufactured gas plant site in Eau Claire (DNR photo).

Before utility companies and municipalities relied on the current method of burning coal to generate electricity for communities, or before the miles and miles of natural gas pipelines that now exist, most cities were dependent on "manufactured gas" for lighting, heating and cooking. From the late 19th Century and well into the 20th Century, manufactured gas plants, or MGPs, dotted the countryside – some estimates show that MGPs were still producing half the gas in the United States well into the 1940s.

Remnants of those plants still exist today – there are thousands nationwide, and it is estimated there may be close to 100 MGP sites remaining in Wisconsin. Unfortunately, due to the processes used to convert coal or petroleum into gas and the waste products created from the processes, many of the MGP sites are contaminated.

The RR Program is working with communities on the investigation and cleanup of several MGP sites, including three from western Wisconsin highlighted below. Look for more articles on the cleanup of MGP sites in future issues of *Re News*

Eau Claire MGP Site

The Eau Claire MGP began generating coal gas in 1901 and ceased operation in 1947 when propane gas was introduced. Northern States Power, now Xcel Energy, took over the operation in 1924. The MGP cleanup in Eau Claire was completed in 2002 with the removal of 42 tons of coal tar and 12,046 tons of soil contaminated with cyanide, heavy metals, asbestos, and polycyclic aromatic hydrocarbons (PAHs). Buildings were demolished and the debris material was transported to Superior Seven Mile Creek Landfill near Eau Claire, along with the contaminated soil and coal tar. The site was purchased by the Eau Claire city officials and will be developed as a portion of the Phoenix Park Riverfront project.

Chippewa Falls MGP Site

The Chippewa Falls MGP began operating in 1870. The plant consisted of equipment typical of an MGP site – including a gas holder and three ovens. A second gas holder, valve house, gas mains, a 1,500-gallon oil tank and other buildings were added in the late 1800s, and a small hydroelectric generator discharged water to Duncan Creek. By 1924, the site was owned and operated as a gas plant and electrical substation by Northern States Power (Xcel Energy). The gas plant was closed in 1926 after a high pressure gas main from the Eau Claire gas plant began furnishing gas to Chippewa Falls.

The gas holder and gas producing equipment were removed by 1961 but other buildings remained. Investigations showed that small seeps of contaminated groundwater were found discharging to Duncan Creek. In 2002, a site cleanup began with the excavation of the tar tank and contaminated soil; contaminated groundwater was cycled through a filtration and activated carbon treatment system.

The excavations were backfilled with crushed concrete to reduce the flow rate of the seep. The site was then contoured and riprapped. Monitoring wells are currently being sampled and contamination seeping into the creek has ceased. Xcel Energy continues to use the site for storage.

La Crosse MGP Site

The La Crosse MGP site is located at the confluence of the La Crosse, Black and Mississippi rivers. The plant was built on a floodplain terrace on the south side of the La Crosse River and directly adjacent to the Willow Swamp. It began operation in 1861 – initially the facility was operated as a "water gas" MGP, but was later modified for operation as an oil gas MGP. Filling of the Willow Swamp occurred over time with wastes from the MGP facility and from fill/waste generated by the municipality and general public. Operations at the MGP ceased in 1960. The site is approximately four acres in size and located in the northern part of downtown La Crosse.

The initial site investigation began in 1988 and resulted in the removal of coal tar and other demolition wastes from inside gas holders and a tar pit. More than 10,000 tons of contaminated soil were excavated from the banks of the La Crosse River in July 2001. The river bank was subsequently stabilized and re-planted, and the city built a recreational trail across the site (please see "City of La Crosse Expands Bike Trail on Xcel Energy Site," page 5, *Re News* December, 2002).

The most recent phase of remediation was designed to remove additional wastes and coal tar deposits extending to approximately 35 feet below ground and 18 feet below the water table, in an area approximately 8,400 square feet in size. Approximately 25,000 tons of mixed purifier box and coal tar waste was landfilled during this phase of remediation.



SUCCESS STORIES

De Pere Site Proves Demolition Isn't Always the Answer

How does a building go from being slated for demolition to being listed on the National Register of Historic Places? With the help of a determined community, a progressive city, and a big picture developer.

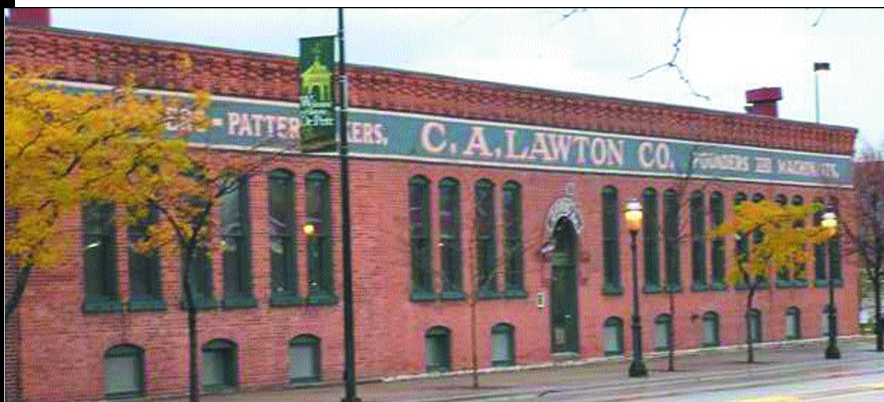
The C.A. Lawton Company, located in downtown De Pere, opened its doors in 1891 to expand its ductile and nodular iron foundry operations. Lawton operated as a foundry until 1971, when the building was used as office space until 1990. In 1980, the city of De Pere established a tax incremental financing (TIF) district, that included the C.A. Lawton property, in the hopes of spurring redevelopment. City officials bought the Lawton property in the hopes of finding a developer to utilize the existing structure.

However, before a developer could be sought, environmental contamination on the property had to be assessed. During its century of operation, C.A. Lawton ultimately expanded to occupy an entire city block. Through its expansion, the company acquired property that once housed a gas station from 1927 through 1976. This kind of

historical information led the city to retain a consultant for further investigation. An environmental assessment confirmed contamination at the site as a result of underground storage tanks that had leaked.

Investigators estimated that, at varying times during the existence of the company, there were eight underground oil and/or gasoline fuel tanks with capacities anywhere between 1,000-8,000 gallons on the property. Chemical analysis identified soils contaminated with petroleum related compounds such as xylene and toluene. With the help of funds from the Petroleum Environmental Cleanup Fund Award (PECFA) program, contaminated soils and tanks were removed and the site was capped with asphalt to allow remaining soils to degrade using natural attenuation.

Inside, remaining foundry contaminants were power washed and properly disposed of to mitigate any human health concerns. Once remediation was complete on both the inside and outside of the property, the DNR closed the site and gave the city a "thumbs up" for redevelopment.



Lawton Foundry Town Homes (photo by Michelle Stokes, DNR).

To Demo Or Not To Demo?

While the Lawton site enticed about a dozen developers, most proposals involved razing the deteriorating Lawton building and erecting a new structure. In 1992, the former Lawton complex was slated to be demolished, but the De Pere Main Street Association implored city officials to wait a few more months, in hopes of locating an 11th hour developer. Enter developer Randy Alexander of the Madison-based Alexander Group. Alexander wanted to preserve the historical character of the area

DE PERE SITE PROVES DEMOLITION ISN'T ALWAYS THE ANSWER (CON'T.)

by utilizing the existing structure as a housing complex. Thanks to this effort, local officials changed their minds and opted not to demolish the site. After extensive renovation, the building was turned into the Lawton Foundry Town Homes, containing 70 rental units with 660 to 1,800 square feet of space available in townhouses or flats.

The end result? The estimated \$5.5 million dollar refurbishing of the former foundry earned it a spot on the National Registry of Historic Sites, and the value of the property increased by 37 percent. Sometimes buildings are worth saving!



Erection of C.A. Lawton Foundry, 1891 (photo courtesy of the Wisconsin Main Street Association).

What's A TIF District?

A tax incremental financing (TIF) district is a financial tool used by local governments. The TIF can help a municipality undertake a public project that will help stimulate beneficial development or redevelopment that might not otherwise occur. A city or village can designate a specific area within its boundaries as a TIF district, then advance a plan to develop it. Taxes generated by the increased property values pay for land acquisition or needed public works, including environmental cleanup, within that TIF district. Each TIF has a limited lifetime – under new provisions in the Wisconsin TIF law, districts can exist for up to 20 or 27 years, depending on the type of TIF. Once the TIF ends, taxes from that area go back into the regular financial mainstream of the local community. For more information on TIFs, including Environmental Remediation TIFs used in cleanups of contaminated properties, please click on the following link: http://dnr.wi.gov/org/aw/rr/financial/taxcredits_incentives.html.

National Brownfields Conference Set For St. Louis, Missouri, September 20-22

Join more than 4,000 participants at the America's Center in historic St. Louis, Missouri, September 20-22, for Brownfields 2004: Gateway to Revitalization. This national event is the official conference focusing on redeveloping brownfield properties, co-hosted by EPA and the International City/County Management Association (ICMA). This is the ninth year of the conference, which brings together government agencies and private and nonprofit organizations for three days of educational sessions and networking. Registration is free and on-line at www.brownfields2004.org.



Don't Forget! RR Program Information Line Ends June 30

A reminder that the RR Program will discontinue its Information Line on June 30. The line was a telephone service the program offered to the general public for many years. It was created in the mid-1990s when the DNR established the Remediation and Redevelopment Program. The line helped the public obtain publications, phone numbers and other program information. However, due to low calling volumes the past few years and an increase in the use of the RR Program's Internet web pages, it was decided to discontinue the line.

A recorded message informs anyone calling the Information Line when the agency will discontinue the service, and after June 30 any individuals calling the line will be forwarded to a receptionist for assistance. If you have any questions, please contact Andrew Savagian at 608-261-6422, or andrew.savagian@dnr.state.wi.us.

Site Assessment Grant Update

DNR Receives Applications Totaling More Than \$4 Million; Rule Changes Go To NRB

The RR Program has received more than 100 applications for the Brownfields Site Assessment Grant (SAG) Program. Applicants applied for approximately \$4.4 million in funding for this round of grants; however, only \$1.7 million is available in this fiscal year (2003-2004). An additional \$1.7 million will also be available next fiscal year.

This is the fifth round of SAG grants, which was created in 1999 by the State Legislature based upon recommendations from the Brownfields Study Group, a state-wide advisory task force that first recommended creation of the SAG Program to the Legislature. The funding has helped communities begin investigation and cleanup at 554 acres in 84 communities across the state since 2000. These activities included more than 210 site assessments and investigations, the removal of 162 underground storage tanks and the demolition of nearly 200 structures and buildings.



Below is a list of applicants for the SAG grants. The DNR received 25 applications for large grants, totaling \$2.1 million in funding, and 80 small grant applications totaling \$2.3 million in funding. For more information about the SAG program, please contact Michael Prager at 608-261-4927, or michael.prager@dnr.state.wi.us, or please check the following web site: <http://www.dnr.state.wi.us/org/aw/rr/rbrownfields/sag.htm>.

SAG Program 2004 – Round 5 Grant Applications

(communities submitting more than one grant indicated in parentheses)

Small Grants

City of Ashland
City of Beloit (2)
City of Black River Falls
City of Boscobel
City of Cudahy
City of Hillsboro
City of Kaukauna
City of Kenosha
City of Manitowoc (2)
City of Milwaukee (8)
City of Neenah
City of Oconto Falls
City of Onalaska
City of Richland Center (4)
City of River Falls
City of Spooner
City of Wausau
City of West Allis (4)
City of Wisconsin Dells

Barron County
Chippewa County (2)
Fond du Lac County
Green Lake County

Jackson County (2)
Milwaukee County (2)
Trempealeau County
Winnebago County

Town of Bloomfield
Town of Fifiel
Town of Hamburg
Town of Madison (3)
Town of Mentor
Town of Ojibwa
Town of Washington
Village of Bangor
Village Boyceville
Village of Fredonia
Village of Grafton
Village of Johnson Creek
Village of Oregon
Village of Prentice
Village of Potosi
Village of Thiensville
Village of Viola

Brodhead Community
Development Authority (CDA)

Brown Deer CDA
Glendale CDA
Grafton CDA
Village of Ashwaubenon
CDA

Redevelopment Authority
of Milwaukee (7)
Redevelopment Authority
Of The City of Racine (3)
Kaukauna Utilities

Large Grants

City of Abbotsford
City of Ashland
City of Beloit
City of St. Francis
City of Sturgeon Bay
City of West Allis (3)
City of Wisconsin Dells
Fond du Lac County
Winnebago County
Town of Fifiel
Town of Madison

Village of Bangor
Village of Fredonia
Village of Grafton (2)
Village of Thiensville
Village of Viola

Brodhead Community
Development Authority
(CDA)
Brown Deer CDA
Whitewater CDA
Village of Ashwaubenon
CDA (2)

Redevelopment Authority
Of Milwaukee

SAG Grant Rule Changes Go To Natural Resources Board

Based on public comments received in the past year and during public hearings held in March, DNR staff are revising SAG Program rules in order to clarify the grant process and address questions that have arisen in administering the grants. Staff presented final SAG rule changes to the Natural Resources Board (NRB) at its regular meeting on May 25-26. The NRB approved the changes; the new rules will be sent to the Legislature for passage.

For more information about the proposed SAG rule changes, please check the following web link:

http://dnr.wi.gov/org/aw/rr/wi_regs/index.htm#anc or

74198. For more information on the SAG program,

please contact Michael Prager at 608-261-4927, or michael.prager@dnr.state.wi.us, or please view the following

web site: <http://dnr.wi.gov/org/aw/rr/rbrownfields/sag.htm>.

Dry Cleaner Environmental Response Fund (DERF) Update

On April 22, Governor Jim Doyle signed Senate Bill 324 (2003 Wisconsin Act 312) into law at an Earth Day ceremony in Fitchburg in southcentral Wisconsin (please see story page 1). The bill included a number of enhancements to the Dry Cleaner Environmental Response Fund (DERF) program. The main provisions in the law include:

- changing the licensing procedures at the Department of Revenue (DOR) to help streamline licensing;
- clarifying eligibility for past operators of dry cleaners;
- requiring notification when reimbursement of expenses comes from other sources, including Tax Incremental Financing (TIF) Districts;
- clarifying that all DOR dry-cleaner license fees must be paid prior to reimbursement from DERF;
- allowing third parties to claim site discovery costs under limited situations; and
- establishing a deadline for entry to the program of August 30, 2008.



From the RR Program's perspective, the most critical change is the new deadline. The new date is for discovering contamination and notifying the DNR of a party's participation in the program. This means that the investigation and cleanup can proceed at a pace that is appropriate for each site, and not be influenced by reimbursement deadlines.

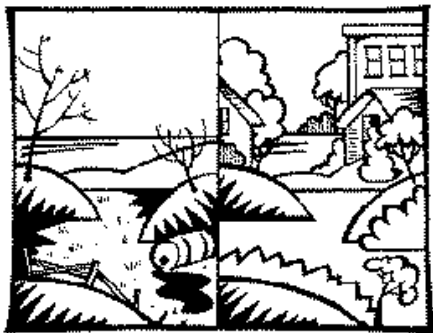
The previous deadline was a deadline for reimbursement applications, which meant that if the site was not ready to be closed by August 30, 2008, the costs incurred after that date would not be DERF eligible. Department staff will be working with dry cleaners, consultants, and others potentially involved in these sites to make them aware of the new deadline.

The next step involves incorporating these changes into Wisconsin's Administrative Code, under the Dry Cleaner Rule, ch. NR 169. A rule-revision advisory committee has been formed to accomplish this task. Department staff anticipate it will take approximately 16 months for proposed rules to be drafted, adopted by the Natural Resources Board (NRB) and reviewed by the State Legislature. A public hearing in the fall of 2004 will be held to receive public comment on the proposed rule changes. Future Re News issues will give you more details on the status of those rules.

New Site Investigation Bid Sheet Now Available!

If you are going to bid on a site investigation, be sure to use the new bid sheet required as of April 24, 2004. Form 4400-233 is a Microsoft Excel spreadsheet available on our web site for use by consultants and applicants to obtain bidding information and submit that information to the DNR project manager. A companion fact sheet, **Dry Cleaner Environmental Fund Site Investigation Bid Cover Sheet Instructions** (publication #RR-717) provides instructions for completing this form. Remedial action bids will continue to use form 4400-213. For more information, please contact Robin Schmidt at 608-267-7569, or robin.schmidt@dnr.state.wi.us, or see page 10 for links to these publications.

Updated Case Closure Form Will Collect "Acres Ready For Use"



In order to clarify information required on the case closure form, the RR Program has reorganized the form and improved the instructions. The revised **Case Summary and Close Out Form** (form #4400-202) should be easier for consultants to complete and easier for staff to review. The form is available on the web at <http://dnr.wi.gov/org/aw/rr/archives/pubs/4400-202.pdf>.

One notable addition to the form is a space for "acres ready for use". The department has begun to collect this information for three reasons: 1) to satisfy the requirements of a federal grant that supports some of our staff; 2) to put our cleanup and redevelopment accomplishments in terms easily understood by the public, and 3) to provide measures of performance related to economic development in Wisconsin.

We recognize that every cleanup of contaminated soil or groundwater is not related to new development. For the sake of simplicity, however, we are counting all the acres of cleanups that are overseen by DNR. Every cleanup has some relationship to economics, whether for equity in property, property valuation, refinancing, business expansion, future sale potential or other financial issues. It's also an economic issue for Wisconsin taxpayers, since using a federal grant helps offset the costs of staffing our program.

UPDATED CASE CLOSURE FORM WILL COLLECT "ACRES READY FOR USE" (CON'T.)

Also, for the sake of simplicity, we are measuring only the acreage of the property on which the contamination originated – the property whose owner has the legal and financial obligation to clean up the contamination. We are not including other properties that a contaminant plume may have impacted, even though the responsible party must include those properties in his or her investigation and cleanup.

The definition of acres ready for use on the updated closure form is: "The total area in acres of all adjacent tax parcels owned by the same entity on the site where the contamination originated, rounding fractions to the nearest 0.5 acre & noting >100 acres for acreages above 100 acres. For multiple discharges that are cleaned up concurrently, count the acres once."

To help understand this idea better, here are a few examples: if the Acme Widget Corporation is comprised of five tax parcels, and each parcel is 5, 7, 3, 10, and 35 acres respectively, the property would be entered on the closure form as 60 acres. If the Acme plant had only a third of an acre, it would be entered as 0.5 acre. If Acme had 180 acres, it would be entered as >100 acres. If Acme has a spill on one tax parcel and a LUST site on another, but they are being cleaned up concurrently, the 60 acres would only be counted once. If, however, Acme completes one cleanup and discovers another source of contamination at a later date, the 60 acres would be counted again.

If you have questions about the updated case closure form, please contact Jane Lemcke at 608-267-0554 or at jane.lemcke@dnr.state.wi.us. If you have questions about "acres ready for use", please contact Laurie Egre at 608-267-7560 or at laurie.egre@dnr.state.wi.us.

Cleanup Exemption For Lenders When Foreclosing

Lenders and representatives who acquire property through foreclosure (e.g. bankers) are eligible for an exemption to the cleanup requirements in Wisconsin's Spill Law if they meet certain conditions established in s. 292.21, Wis. Stats.



This exemption is intended to help lenders reclaim and sell contaminated property at a fair market value so that a new purchaser can undertake a cleanup and redevelop the parcel. The steps that lenders must take to obtain the exemption are summarized in Fact Sheet 5, **Environmental Liability Exemptions for Lenders and Representatives** (publication #RR-508), <http://dnr.wi.gov/org/aw/rr/archives/pubs/RR508.pdf>.

There are two situations where the conditions to obtain the exemption are most commonly overlooked by lenders and their environmental consultants. The first is failure to complete the required environmental assessment (EA) within 90 days of acquiring title to, or possession or control of, the property. Lenders have an additional 90 days after completing the EA to submit it to DNR. These time periods are established in state statute, and DNR does not have the flexibility to grant variances. If the deadline is missed, the lender is not eligible for the exemption.

The second problem is inadequate sampling performed for the EA. The statute, s. 292.21(1)(c)2.i, Wis. Stats., requires sampling in areas that are visibly contaminated with unidentified materials – stained surface soil, for example. In addition, if tanks, drums or other containers with unknown contents are present, samples of the contents must be analyzed. For a \$500 fee, a lender may request a letter from the DNR clarifying whether or not their actions and submittals meet the requirements of the lender exemption.

Two additional points of clarification about the lender exemption may be useful. First, the required EA is similar, but not identical to, the industry standard's Phase 1 and Phase 2 environmental assessment (through the American Standards of Testing Materials or ASTM). Please check s. 292.21, Wis.Stats., and the fact sheet referenced above for information on how the lender assessment and ASTM assessment may differ.

Second, a lender is allowed to submit to the department an EA that was conducted more than one year before the date that the lender acquired title to, or possession or control of, the property. However, if the lender elects to use this older EA rather than conducting a new EA of the property, the results of a visual inspection conducted after the date of taking title to, or possession or control of, the property must also be submitted.

The EA and results of the visual inspection must be submitted to the DNR within 90 days, along with a fee of \$500 for the DNR's review.

If you have questions regarding these requirements, please contact Percy Mather at 608-266-9263, or at [Percy.mather@dnr.state.wi.us](mailto:Op Percy.mather@dnr.state.wi.us).

An Insider's Look At The RR Web Site

As a way to help our customers better utilize the RR Program web pages on the Internet, we will be covering new changes and highlighting our web pages in upcoming issues of *Re News*. With the ability of the Internet to be available to our customers "24/7," we want to utilize these pages to their full potential.



New DNR Web Address

Don't forget, as of last January the DNR has simplified its main web address to <http://dnr.wi.gov>. The change results from a new state policy to provide uniform addresses for government sites. If you access the RR Program web page through DNR's main page, you can find us by clicking on the "Environmental Protection" link located on the left-hand side of the page. Once you're on that page, click on the "Environmental Cleanup" link located there. Or, you can access us directly at <http://dnr.wi.gov/org/aw/rr>.

What's New?

Our "What's New" page, located at http://dnr.wi.gov/org/aw/rr/general/whats_new.htm, provides short announcements with links to further information on new and exciting things happening within the RR Program. You may find information on new laws, upcoming grant deadlines, awards, new publications and more. Our web publisher will keep information on the "What's New" page for six weeks, then move it to a yearly archive page, which you can find on the left-hand column of the "What's New" page.

New E-Calendar

A newer feature to our web pages is the electronic RR Calendar, located at <http://dnr.wi.gov/org/aw/rr/general/calendar.htm>. The RR Calendar provides a three-month view into the future for RR trainings, conferences and meetings, and, depending on the information, may also point to other events farther into the future. The Calendar also lets you click on each event for more detailed information, including dates, times, locations, and agendas.

Listserv

Lastly, don't overlook our electronic listserv, entitled "RR News from the DNR", located at <http://dnr.wi.gov/org/aw/rr/general/listserv.html>. This is the RR Program's bi-monthly electronic newsletter, which is sent to more than 800 subscribers. Since it's self-subscribing, the listserv web page tells you how to sign up as well as includes a list of topics by day and year and an archive of past messages, all located on the left-hand side of the web page.

These pages are just a few of the web resources available to you. We will continue to do our best to provide you with the most current information, so stay tuned for future *Re News* articles. Also, if you have any comments or suggestions for improving our web site, please contact the RR Program's web publisher, Megan Clemens, at 608-261-4391, or megan.clemens@dnr.state.wi.us.

New, Revised Publications

RR Program Releases First On-Line Annual Report!

The RR Program has completed its first on-line Annual Report for 2002-2003 (publication #RR-718). With budget and staff cuts affecting every aspect of the agency, the RR Program decided to save the costs of printing a full-color, higher-end publication and reach directly to our customers through the Internet. Each section of this year's annual report has a link to the stories you'll want to read about – spill prevention, brownfields, state-funded cleanups and more!

Log on and view the report at the following link: <http://dnr.wi.gov/org/aw/rr/archives/pubs/RR718.pdf>.

NEW, REVISED PUBLICATIONS (CON'T.)



Off-Site Fact Sheet Revised

Fact Sheet 10, **Guidance for Dealing with Properties Affected by Off-Site Contamination** (publication #RR-589) has been updated. Fact Sheet 10 was developed to help current landowners, purchasers of property, local government officials and DNR staff understand the off-site liability exemption in s. 292.13, Wis. Stats. To view this publication, please see the following link: <http://dnr.wi.gov/org/aw/rr/archives/pubs/RR589.pdf>.

New Technical Guidance On Cover Systems For Soil Performance Standard Remedies Available

Guidance for Cover Systems as Soil Performance Standard Remedies (publication #RR-709), a new comprehensive technical guidance, is now available for RR staff, consultants and other parties who are addressing contaminated soil and may be considering cover systems for soil performance standard remedies. The guidance is intended to provide information on remedy selection, design, construction and operation and maintenance (O&M) concepts for cover systems, and also outlines implementation and review procedures for RR staff. To download this document, please click on the following link: <http://dnr.wi.gov/org/aw/rr/archives/pubs/RR709.pdf>.

Technical Guidance For Soil Performance Standards Revised

The existing general technical guidance for soil performance standards remedies, entitled **Guidance on Soil Performance Standards** (publication #RR-528), was revised to account for rule changes and new guidance on cover system remedies (see above). This document discusses the use and application of soil performance standards for closure of contaminated soil sites. To view this publication, please see the following link: <http://dnr.wi.gov/org/aw/rr/archives/pubs/RR528.pdf>.

RR Program's West Central Region (WCR) Semi-annual Update Now Available

Program staff in the DNR's West Central Region have published their semi-annual update for externals about ongoing efforts by regional staff on clean up and redevelopment of contaminated sites. Available at: <http://dnr.wi.gov/org/aw/rr/archives/pubs/RR719.pdf>.

New Dry Cleaner Site Investigation Bid Form Issued

A new form is now required when obtaining bids for a site investigation (SI) at a Dry Cleaner Environmental Response Fund (DERF) site. The form should help applicants compare bids. The **DERF Site Investigation Bid Summary Form** (form #4400-233) should be used by applicants to summarize bid proposals and identify their preferred consultant. Consultants who prepare SI bids should complete the remainder of the form. Please see the following links: <http://dnr.wi.gov/org/aw/rr/archives/pubs/4400-233.zip>, or <http://dnr.wi.gov/org/aw/rr/archives/pubs/RR717.pdf>, or pages 1 and 8 for more DERF information.

RR Staff Changes



Southeast Region

George Parrino will be the new hydrogeologist LTE for the RR Program's Southeast region. Prior to working with the RR Program, George worked in the DNR's Water Supply Program, where his duties included geolocating public water wells, and also worked in the private sector as a hydrogeologist, chemist and lab supervisor. Welcome George!

South Central Region

Cathy Yanger will be the new GIS LTE working at the DNR's South Central regional headquarters in Fitchburg. In addition to Cathy's new RR work duties, she also works on GIS issues for the Water Division at the main DNR office in Madison. Welcome Cathy!

West Central Region

Gloria Koroghlanian joins the West Central Region as the new GIS LTE, working out of the Eau Claire office. Gloria has previously worked both in the public and private sectors. Welcome Gloria!

RENEWMS

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For More Information: *Re News* is published quarterly by the Wisconsin Department of Natural Resources Bureau for Remediation and Redevelopment.

This newsletter is available in alternate format upon request. Please call 608-267-3543.

Our Web Site Is : <http://www.dnr.state.wi.us/org/aw/rr>

Refer comments and questions to :

**Bureau For Remediation & Redevelopment
Wisconsin DNR
P.O. Box 7921
Madison, WI 53707 608-261-6422**

The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services and functions under an Affirmative Action Plan.

This newsletter may contain summary information about certain state statutes and/or rules and does not include all of the details found in the statutes/rules. Readers should consult the actual language of the statutes/rules to answer specific questions.

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